

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 27 January
2022

5.00 pm

Committee Rooms 1-2,
City Hall

Membership: Councillors Pat Vaughan (Chair), Loraine Woolley (Vice-Chair), Alan Briggs, Adrianna McNulty and David Clarkson

Substitute members: Councillors Biff Bean

Officers attending: Will Allen and Charlie Mason

AGENDA

SECTION A	Pages
1. Confirmation of Minutes - 16 December 2021	3 - 6
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Exclusion of Press and Public	7 - 8
You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following item(s) because it is likely that if members of the press or public were present, there would be disclosure of 'exempt information'	
SECTION B	
4. To Interview an Applicant who has Previously had a Hackney Carriage Drivers Licence Revoked	9 - 46

[Exempt Paras 1]

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Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Loraine Woolley, Councillor Alan Briggs,
Councillor Adrianna McNulty and Councillor
David Clarkson

Apologies for Absence: None.

27. Confirmation of Minutes - 24 November 2021

RESOLVED that the minutes of the meeting held on 24 November 2021 be confirmed.

28. Declarations of Interest

No declarations of interest were received.

29. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

30. To Interview an Applicant for a Private Hire Driver's Licence who has Disclosed Previous Offences - Item Number: 10/2021

The Licensing Officer:

- a) stated that the applicant applied for a new Private Hire Drivers Licence in August 2021
- b) explained that the applicant declared two offences in his application, which he pleaded guilty to
- c) highlighted that a DBS check was requested and upon its return showed a clean criminal record
- d) highlighted that the applicant had held a full UK driving licence since August 2018, prior to this he held an Algerian Driving Licence
- e) explained that the applicant had provided a certificate of good conduct from Algeria, which stated he had no criminal record in the Country.
- f) highlighted that the applicant passed the knowledge test on his first attempt and scored 9 out of 10 as well as achieving the required pass mark on the Driver Improvement Programme
- g) explained that within the current Policy in relation to relevant convictions it stated the following:

'A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour'.

The Licensing Officer asked the applicant if he required an interpreter but he declined. The Sub-Committee questioned the applicant and received responses from the applicant.

The Decision was made as follows:

That the applicant be granted a Private Hire Drivers Licence.

Reasons for the Decision:

1. The Sub-Committee believed that the applicant was remorseful of his offences and was very polite.
2. The applicant came well prepared for the hearing and it was noted that he said he had gained a masters degree.
3. The applicant had no criminal record and he passed the knowledge test on his first attempt scoring 9 out of 10 as well as achieving the required pass mark on the Driver Improvement Programme.
4. **The Sub-Committee could not find any valid reasons why the applicant should be refused a private hire driver's licence.**

31. To Interview an Existing Driver who has 10 Current Penalty Points - Item Number: 11/2021

The Licensing Officer:

- a) stated that the applicant had held a Private Hire Driver's Licence since at least 2004 as this is as far as our records went back
- b) highlighted that the applicant made an application for a re-licence on 2 December 2021
- c) explained that the applicant declared that in March 2021 he had received 3 penalty points
- d) highlighted that a driving licence check was requested and on its return showed 3 offences with a total of 10 points on his licence
- e) explained that within the current Policy in relation to penalty points it stated the following:

'if a driver receives 9 or more penalty points for minor or some hybrid traffic offences, the matter will be referred to the Hackney Carriage and Private Hire Sub-Committee for a hearing. The driver will be expected to address the issues before the Sub-Committee'

- f) explained that Condition 10 was attached to all Private Hire Drivers Licences and it stated the following:

‘ All convictions, criminal finding of guilt (including fixed penalty tickets), cautions and warning, whether for motoring or other offences and County Court Judgements/Orders (where the judgement or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) after the issue of the licence and during its currency must immediately after the date of conviction, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, be communicated in writing to the Licensing Authority. Failure to do so may result in proceedings being taken against you, suspension or revocation of the licence’.

The Sub-Committee questioned the applicant and received responses from the applicant.

The Decision was made as follows:

That the applicant be granted a Private Hire Drivers Licence.

Reasons for the Decision:

1. The Sub-Committee believed that the applicant was remorseful, genuine and came across as being embarrassed by making a mistake and took complete ownership of his offences.
2. The applicant had held a private hire driver's licence for 27 years and had never been to the Sub-Committee. The Sub-Committee believed that the applicant had had a string of bad luck.
3. The offences did not take place in a taxi and were in the applicants own vehicle.
4. The applicant was honest and admitted the offences, understanding that any further offences may result in his driving licence being revoked.
5. The applicant had completed his BTECH and a speed awareness course.
6. **The Sub-Committee could not find any valid reasons why the applicant should be refused a private hire driver's licence.**

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SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

1. Purpose of Report

1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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